

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRADLEY ALLEN GRUBHAM,

Petitioner,

v.

OBENLAND,

Respondent.

CASE NO. 3:13-CV-05646-RJB-JRC

ORDER GRANTING EXTENSION

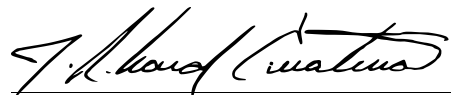
The District Court referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b) (1) (A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction pursuant to 28 U.S.C. § 2254.

Before the Court is petitioner's motion for an extension. Dkt. 58. Petitioner seeks an extension until May 1, 2016, to file his amended petition. Dkt. 58. Petitioner states that he was transferred to a new facility and that he needs time to reorganize his records. *Id.* Petitioner also states that he was placed in administrative segregation for a period of time and that the law library was closed for an update to the case law system. *Id.* Respondent does not oppose petitioner's motion. Dkt. 59.

1 The Court finds that the request is reasonable and, therefore, petitioner's motion for  
2 extension (Dkt. 58) is granted. Petitioner is advised that the amended petition and memorandum  
3 will operate as a complete substitute for (rather than a mere supplement to) the original petition  
4 (Dkt. 9) and memorandum (Dkt. 37). In other words, an amended petition replaces the original in  
5 its entirety, making the original as if it never existed. Reference to a prior pleading or another  
6 document is unacceptable – once petitioner files an amended petition, the original petition and  
7 memorandum of law will no longer serve any function in this case. Petitioner must file a new and  
8 complete amended petition on the court-approved form and attach one memorandum in support  
9 of the petition that includes all arguments he wishes to consider. Petitioner should title this  
10 document "Amended Petition."

11 Petitioner shall file his amended petition on or before May 2, 2016. If petitioner fails to  
12 submit an amended petition by May 2, 2016, this action will proceed on the original petition and  
13 memorandum (Dkts. 9, 37). Respondent's supplemental answer is due within 45 days after  
14 service of the amended petition. The supplemental answer will be treated in accordance with  
15 LCR 7. Accordingly, on the face of the supplemental answer, respondent shall note it for  
16 consideration on the fourth Friday after filing. Petitioner may file and serve a response not later  
17 than the Monday immediately preceding the Friday designated for consideration of the matter,  
18 and respondent may file and serve a reply not later than the Friday designated for consideration  
19 of the matter.

20 Dated this 19<sup>th</sup> day of January, 2016.

21 

22 J. Richard Creatura  
23 United States Magistrate Judge  
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